

REMARKS

By this amendment, claims 1, 27-29, 34, and 39-40 have been amended. Claims 7, 15, and 17-26 have been canceled. Claims 1-6, 8-14, 16, and 27-40 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The drawings stand objected and have been amended to address the concerns raised in the Office Action. Applicant respectfully requests that the objection to the drawings be withdrawn.

Claims 1, 3, 5-9, 11, 13-17, 19, 21-22, 24, 26-29, 31, 33-34, 36, and 38-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eastman et al. (US 5,440,534). This rejection is respectfully traversed.

Claim 1 recites a position control method comprising, *inter alia*, "a first step of trying to read a predetermined data recorded on the recording medium; ... wherein the first step is performed when determining a type of the recording medium" (emphasis added). Claims 27-29, 34, and 39-40 recite similar limitations. Applicants respectfully submit that Eastman et al. does not disclose these limitations.

To the contrary, as admitted in the Office Action at page 5 (rejection of claim 7), Eastman et al. is configured only to work with CDs. Since Eastman et al. functions only with CDs and does not contemplate any other type of recording medium, the limitation is not inherent, and no determination of a type of recording medium is made at any time. Applicants respectfully submit that Eastman et al. does not disclose, teach, or suggest

trying to read a predetermined data recorded on the recording medium when determining a type of the recording medium, as recited in claims 1, 27-29, 34, and 39-40.

Additionally, since a disk working at the same frequency but having a different format is not disclosed in Eastman et al., it is clear that the invention in Eastman et al. is not related to distinguishing between different types of recording media. Furthermore, Eastman et al. discloses in FIG. 2 only one laser.

Since Eastman et al. does not disclose all the limitations of claims 1, 27-29, 34, and 39-40, claims 1, 27-29, 34, and 39-40 are not anticipated by Eastman et al. Claims 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24, 26, 31, 33, 36, and 38 depend, respectively, from independent claims 1, 29, and 34, and are patentable at least for the reasons mentioned above, and on their own merits. Claims 7 and 15 have been canceled. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24, 26-29, 31, 33-34, 36, and 38-40 be withdrawn and the claims allowed.

Claims 2, 4, 10, 12, 18, 20, 23, 25, 30, 32, 35, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eastman et al. in view of Tanaka et al. (US 5,363,356). This rejection is respectfully traversed. Claims 2, 4, 10, 12, 18, 20, 23, 25, 30, 32, 35, and 37 depend, respectively, from claim 1, 29, and 34, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 2, 4, 10, 12, 18, 20, 23, 25, 30, 32, 35, and 37 be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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